

Introduced by Senator ChesbroFebruary 20, 2004

An act to amend Section 42301 of, and to repeal Sections 42310.3 and 42342 of, the Public Resources Code, relating to solid waste.

LEGISLATIVE COUNSEL'S DIGEST

SB 1729, as introduced, Chesbro. Plastic containers: recycling.

Existing law, the California Integrated Waste Management Act of 1989, administered by the California Integrated Waste Management Board, requires every rigid plastic packaging container, as defined, sold or offered for sale in this state, to generally meet one of specified criteria, including having a specified recycling rate. Existing law defines the term "recycling rate" as including one of 4 specified rates, including the proportion that all rigid plastic packaging containers sold, or offered for sale in the state are being recycled in a given calendar year, as specified, and the proportion that a polyethylene terephthalate (PETE) rigid plastic packaging container sold or offered for sale in the state is being recycled in a given calendar year, as specified. Existing law exempts rigid plastic containers that contain cosmetics and food from meeting those criteria, but requires those containers to be included in calculating recycling rates.

This bill would revise the definition of recycling rate to delete those 2 rates from that definition.

This bill would delete the requirement that rigid plastic containers that contain cosmetics and food and are recycled be included in calculating recycling rates. The bill would also delete an obsolete provision.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.



The people of the State of California do enact as follows:

SECTION 1. Section 42301 of the Public Resources Code is amended to read:

42301. For purposes of this chapter, the following definitions apply:

(a) “Curbside collection program” means a recycling program that collects materials set out by homeowners for collection at the curb at intervals not less than every two weeks. “Curbside collection program” does not include redemption centers, buyback locations, drop-off programs, material recovery facilities, or plastic recovery facilities.

(b) “Refillable package” means a rigid plastic packaging container ~~which~~ that the board determines is routinely returned to and refilled by the product manufacturer at least five times with the original product contained by the package.

(c) “Reusable package” means a rigid plastic packaging container ~~which~~ that the board determines is routinely reused by consumers at least five times to store the original product contained by the package.

(d) “Manufacturer” means the producer or generator of a product ~~which~~ that is sold or offered for sale in the state and ~~which~~ that is stored inside of a rigid plastic packaging container.

(e) “Rigid plastic packaging container” means any plastic package having a relatively inflexible finite shape or form, with a minimum capacity of eight fluid ounces or its equivalent volume and a maximum capacity of five fluid gallons or its equivalent volume, that is capable of maintaining its shape while holding other products, including, but not limited to, bottles, cartons, and other receptacles, for sale or distribution in the state.

(f) “Postconsumer material” means a material that would otherwise be destined for solid waste disposal, having completed its intended ~~end-use~~ *end use* and product lifecycle. Postconsumer material does not include materials and byproducts generated from, and commonly reused within, an original manufacturing and fabrication process.

(g) “Recycled” means a product or material ~~which~~ that has been reused in the production of another product and has been diverted from disposal in a landfill.

(h) “Recycling rate” means ~~one~~ *either* of the following:

1 ~~(1) The proportion, as measured by weight, volume, or~~
2 ~~number, that all rigid plastic packaging containers,~~
3 ~~notwithstanding the size limitations set forth in subdivision (d) or~~
4 ~~the exemption status as set forth in subdivisions (b) and (c) of~~
5 ~~Section 42340, in the aggregate, sold, or offered for sale in the state~~
6 ~~are being recycled in a given calendar year.~~

7 ~~(2) The proportion, as measured by weight, volume, or~~
8 ~~number, that a PETE rigid plastic packaging container sold or~~
9 ~~offered for sale in the state is being recycled in a given calendar~~
10 ~~year, notwithstanding the size limitations set forth in subdivision~~
11 ~~(d) or the exemption status as set forth in subdivisions (b) and (c)~~
12 ~~of Section 42340.~~

13 ~~(3) The proportion, as measured by weight, volume, or~~
14 ~~number, that a particular type of rigid plastic packaging container~~
15 ~~sold or offered for sale in the state, such as a milk jug, soft drink~~
16 ~~container, or detergent bottle, is being recycled in a given calendar~~
17 ~~year.~~

18 ~~(4) —~~

19 (2) The proportion, as measured by weight, volume, or
20 number, that a product-associated rigid plastic packaging
21 container sold or offered for sale in the state is being recycled in
22 a given calendar year.

23 (i) (1) “Source reduced container” means either of the
24 following:

25 (A) A rigid plastic packaging container for which the
26 manufacturer seeks compliance as of January 1, 1995, whose
27 package weight per unit or use of product has been reduced by 10
28 percent when compared with the packaging used for that product
29 by the manufacturer from January 1, 1990, to December 31, 1994.

30 (B) A rigid plastic container for which the manufacturer seeks
31 compliance after January 1, 1995, whose package weight per unit
32 or use of product has been reduced by 10 percent when compared
33 with one of the following:

34 (i) The packaging used for the product by the manufacturer on
35 January 1, 1995.

36 (ii) The packaging used for that product by the manufacturer
37 over the course of the first full year of commerce in this state.

38 (iii) The packaging used in commerce that same year for
39 similar products whose containers have not been considered
40 source reduced.

(2) A rigid plastic packaging container is not a source reduced container for the purposes of this chapter if the packaging reduction was achieved by any of the following:

(A) Substituting a different material type for a material ~~which~~ *that* previously constituted the principal material of the container.

(B) Increasing a container's weight per unit or use of product after January 1, 1991.

(C) Packaging changes that adversely affect the potential for the rigid plastic packaging container to be recycled or to be made of postconsumer material.

(j) "Product-associated rigid plastic packaging container" means a brand-specific, rigid plastic packaging line ~~which~~ *that* may have one or more sizes, shapes, or designs and ~~which~~ *that* is used in conjunction with a particular generic product line.

(k) "PETE" means polyethylene terephthalate as specified in subdivision (a) of Section 18015.

(l) "HDPE" means high-density polyethylene.

SEC. 2. Section 42310.3 of the Public Resources Code is repealed.

~~42310.3. Rigid plastic packaging containers which are exempt from this chapter under subdivision (b) of Section 42340 that are recycled shall be included in calculating the recycling rate pursuant to subdivision (b), (c), or (d) of Section 42310.~~

SEC. 3. Section 42324 of the Public Resources Code is repealed.

~~42324. (a) On or before April 1, 1994, the board shall conduct a public hearing for the purposes of taking testimony from the interested parties and the public on the adequacy of the recycling rate method used by the board to calculate the base rate from which the criteria established under Section 42310 are measured, and for determining if the recycling rate approach adopted by the board is the most accurate method feasible to determine the recycling rate for rigid plastic packaging containers. The board shall review any studies, reports, or data submitted by the plastics manufacturing industry, plastic recycling industries, government agencies, environmental organizations, or any other party.~~

~~(b) Within 45 days after the public hearing, the board shall determine whether or not to revise the recycling rate method. The~~

- 1 ~~board shall make written findings as to the reasons for changing~~
- 2 ~~its recycling rate approach or for retaining the current method.~~

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